IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA VALDOSTA DIVISION

CARL JEROME HOLMES,

Petitioner,

VS.

7:04-CV-77(HL)

B. G. COMPTON, Warden,

Respondent.

ORDER

On February 9, 2005, the Attorney General for the State of Georgia filed a motion to be allowed to intervene as a respondent in this matter inasmuch as petitioner is detained in a Federal Prison in the State of Virginia but is attacking prior Georgia convictions. The court granted this motion on March 7, 2005. On April 20, 2005, the state Attorney General again filed the identical motion. The second motion to intervene is therefore DENIED as MOOT. SO ORDERED, this 31st day of May 2005.

> /s/ Richard L. Hodge RICHARD L. HODGE UNITED STATES MAGISTRATE JUDGE

¹Although the Attorney General is clearly the movant, the motion prays that James E. Donald, Commissioner of the Georgia Department of Corrections, be named as a respondent. Inasmuch as Rule 2(b) of the Rules Governing Section 2254 Cases in the United States District Courts clearly requires that the state attorney general be named as a respondent in a case like this, the state attorney general and not the commissioner of the Georgia Department of Corrections was named as a respondent.